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EOLAS TECHNOLOGIES
INCORPORATED; and THE REGENTS OF
THE UNIVERSITY OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GOOGLE INC.,

Plaintiff,

v.

EOLAS TECHNOLOGIES, INC.; and
THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA,

Defendants.

Case No. 13-CV-05997-JST

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO VACATE DEADLINES**

1 Pursuant to Civil Local Rules 6-2, 7-12, and 16-2 Plaintiff Google Inc. (“Google”), and
2 Defendants Eolas Technologies Incorporated (“Eolas”) and The Regents of the University of
3 California (“the Regents”) (collectively, “Defendants”) hereby stipulate through their respective
4 counsel of record as follows:

5 WHEREAS, on January 2, 2014 and January 3, 2014, Google served a Complaint seeking
6 a declaratory judgment of non-infringement of United States Patent Nos. 8,082,293 and 8,086,662
7 (hereinafter “patents-in-suit”) on Defendants (Dkt. 1);

8 WHEREAS, Defendants filed an Answer and Counterclaims on July 8, 2014 (Dkt. 76),
9 and a Corrected Answer and Counterclaims on July 22, 2014 (Dkt. 83), in which Eolas asserted
10 patent infringement Counterclaims against Google (hereinafter “Counterclaims”);

11 WHEREAS, Eolas filed a Motion to Dismiss on July 8, 2014 (Dkt. 77) (hereinafter
12 “Second Motion to Dismiss”), and a Corrected Motion to Dismiss on July 15, 2014 (Dkt. 78)
13 (hereinafter “Corrected Second Motion to Dismiss”), in which it moved to dismiss with prejudice
14 Eolas’s Counterclaims of infringement of the patents-in-suit, and to dismiss without prejudice
15 Google’s declaratory judgment claims of non-infringement;

16 WHEREAS, the Regents filed a notice of joinder in Eolas’s Corrected Second Motion to
17 Dismiss on July 29, 2014 (Dkt. 84);

18 WHEREAS, Google responded to Defendants’ Corrected Second Motion to Dismiss on
19 August 19, 2014 (Dkt. 87);

20 WHEREAS, Eolas filed a Reply to its Corrected Second Motion to Dismiss on
21 September 9, 2014 (Dkt. 88) and a Corrected Reply on September 12, 2014 (Dkt. 89);

22 WHEREAS, Google sought leave to file a sur-reply to Eolas’s Corrected Second Motion
23 to Dismiss on September 18, 2014 (Dkt. 90);

24 WHEREAS, the Court vacated the hearing on the Corrected Second Motion to Dismiss on
25 September 30, 2014 (Dkt. 92);

26 WHEREAS, Google, Eolas and the Regents (the “Parties”) filed a joint stipulation to
27 extend the time for Google to respond to Eolas’s Counterclaims on October 15, 2014 (Dkt. 93);
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1 WHEREAS, the Court entered the Parties' joint stipulation on October 16, 2014 (Dkt. 94);

2 WHEREAS, Google's response to Eolas' Counterclaims is currently due November 14,
3 2014;

4 WHEREAS, the Parties have agreed that all claims in this lawsuit should be dismissed,
5 and absent stay of this action and vacatur of all dates and deadlines pending the Court's ruling on
6 Eolas's Second Corrected Motion to Dismiss, the Parties will expend additional time and
7 resources responding to Counterclaims that may be dismissed from the litigation, and preparing
8 for an Initial Case Management Conference for a case that may not proceed;

9 WHEREAS, the Parties have agreed to stay this action and to vacate all dates and
10 deadlines in order to allow the Court to rule on the dismissal of the litigation;

11 WHEREAS, good cause exists to stay this action and to vacate all dates and deadlines, to
12 avoid the expenditure of time and resources until the Court rules on Eolas's pending Corrected
13 Second Motion to Dismiss;

14 NOW THEREFORE, the Parties through their undersigned counsel hereby stipulate and
15 request that the Court grant, pursuant to Civil L.R. 6-2 that:

- 16 • This action be stayed pending the Court's ruling on Eolas's Corrected Second
17 Motion to Dismiss; and
18 • All dates and deadlines in this action be VACATED.

19 IT IS SO STIPULATED.
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1 Dated: November 4, 2014

KASOWITZ, BENSON, TORRES &
FRIEDMAN LLP

2
3 By: /s/ Robert P. Watkins III
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9 Attorneys for Plaintiff
GOOGLE INC., INC.

10 Dated: November 4, 2014

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21 EOLAS TECHNOLOGIES
22 INCORPORATED;
23 and THE REGENTS OF THE
24 UNIVERSITY OF CALIFORNIA
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1 I hereby attest pursuant to L.R. 5.1(i)(3) that concurrence in the electronic filing of this
2 document has been obtained from the other signatories.

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4 Dated: November 4, 2014

/s/ Robert P. Watkins III
Robert P. Watkins III

~~PROPOSED~~ ORDER

The Court having considered the stipulation of the parties, orders as follows:

- This action is stayed pending the Court's ruling on Eolas's Corrected Second Motion to Dismiss; and
- All dates and deadlines in this action are VACATED.

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

Dated: November 6, 2014

